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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,086	06/25/2003	Jacob M. Dubin	3253	4247

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EXAMINER

MISIASZEK, MICHAEL

ART UNIT	PAPER NUMBER
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3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/606,086

Applicant(s)

DUBIN ET AL.

Examiner

Michael Misiaszek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 7/31/2006.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 7, 8, 14, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis (US 20040111303 A1) in view of Harmon et al. (US 20030236736, hereinafter Harmon).

Regarding Claims 1-5, 7, 8, 14

Francis discloses a system and method of managing transactions with multiple affiliates each having an affiliate computer and an affiliate database connected thereto, comprising:

- providing a central exchange including an exchange server and an exchange database connected thereto (at least paragraph [0014]: central processor with storage)
- storing in said exchange database information corresponding to goods and/or services available for sale and/or requested to purchase by one or more affiliates (at least paragraph [0014]: data concerning available tickets stored in central processor)
- connecting said exchange server to the affiliate computers via a distributed network (at least paragraph [0030]: data transmitted over a network)

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- storing in said affiliate databases information corresponding to goods and/or services (at least paragraph [0014]: premium ticket information stored at box offices)
- uploading to said central database said affiliate database information corresponding to goods and/or services available for transactions via the distributed network (at least paragraph [0014]: ticket information uploaded to central processor from box offices)
- conducting real-time transactions involving said goods and/or services in said exchange database via said distributed network (at least paragraph [0023]: ticket sales conducted)
- providing Internet (world wide web) access to said exchange server; providing a web page and linking same to said affiliate computers (at least paragraph [0023]: Internet/WWW connection to central processor and box offices)
- preprogramming said central exchange with transaction conditions applicable to said affiliates and conducting transactions via said distributed network according to said preprogrammed conditions (at least paragraph [0022]: central processor facilitates ticket sales)

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Francis does not specifically disclose:

- providing a web-based bulletin board and access thereto by said affiliates;
- posting to said web-based bulletin board information concerning goods and/or services available for purchase and/or requested to purchase through the central exchange;
- conducting affiliate-to-affiliate transactions with respect to said goods and/or services via said distributed network;
- reporting data with respect to said affiliate-to-affiliate transactions to said central exchange
- a transaction accounting function for automatic record insertion in said affiliates computers

Harmon teaches that it is known to include providing a web-based bulletin board with postings concerning products available through a central server (at least figures 6 and 7: bulletin board for posting ticket availability) and conducting affiliate-to-transactions and reporting data with respect to the transactions to affiliate computers (at least paragraph [0011]: data about transactions between members recorded) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and system, as taught by Francis, with the bulletin board and transactions between affiliates, as taught by Harmon, since such a modification would have provided improved sales and profit potential for the sale of event tickets (at least paragraph [0008] of Harmon).

Regarding Claim 17

Francis discloses the claimed invention except for:

- enabling affiliate control of credit card purchasing of goods and/or services from other affiliates
- inputting to said central exchange credit card information from said affiliates for use in connection with affiliate-to-affiliate transactions

Harmon teaches that is known to include enabling credit card purchasing of goods between affiliates and entering credit card information to a central exchange (at least paragraph [0037]: credit card charged by exchange for member-to-member transaction) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and system, as taught by Francis, with the credit card transactions between affiliates, as taught by Harmon, since such a modification would have provided improved record keeping of ticket transactions through an accurate audit trail (at least paragraph [0037] of Harmon).

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Regarding Claim 18

Francis discloses the claimed invention except for:

- sending an affiliate purchase request from a selling affiliate to said exchange server via a web service;
- said exchange server parsing and building request documents;
- said exchange server sending said request back to said selling affiliate;
- said originating affiliate sending goods and/or services information to said exchange server concerning said request;
- said exchange server sending selling information concerning said goods and/or services to a buying affiliate;
- said buying affiliate confirming purchase to said exchange service;
- said exchange service sending a transaction confirmation to said buying affiliate;
- said buying affiliate sending a transaction confirmation to said exchange service

Harmon teaches that it is known to include sending a purchase request from a selling affiliate (at least paragraph [0009]: seller offer), parsing and building a request document and sending the request back to the seller (at least paragraph [0009] and figure 6: offer converted into posting on website and displayed to all members, including seller), seller sending information regarding goods for sale (at least paragraph [0009]: offer price and ticket information), sending selling information to a buyer (at least figure 6: posted sell offers), and a buyer confirming an order and receiving confirmation of the order (at least figure 8 and paragraph [0011]: buyer confirms bid

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and exchange sends buyer order confirmation). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and system, as taught by Francis, with the posting and ordering procedure, as taught by Harmon, since such a modification would have provided increased convenience in buying and selling event tickets by ensuring that buyers and sellers only have to deal with one entity, a central exchange (at least paragraph [0010] of Harmon).

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Regarding Claims 19, 20

Francis discloses:

- wherein said goods and/or services comprise tickets to entertainment and/or sports events (at least abstract)
- wherein said tickets are specified for purchase by a purchasing affiliate by event, venue, date and seating section (at least paragraph [0029])

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2. Claims 6 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis in view of Harmon as applied to claims 1-5, 8, 14, and 17-20 above, and further in view of Hagen (US 20020120506 A1).

Regarding claims 6, 9, 11

Francis and Harmon disclose the claimed invention except for:

- a website plug-in adapted for enabling said affiliates to create their respective websites for connecting electronic commerce utilizing the central exchange and a distributed network;
- said website plug-in being adapted for affiliate customization of a web page header and footer;
- a default web page body including information provided by said central exchange for said affiliate web pages.

Hagen teaches that it is known to include tools for creating affiliate websites with customizable portions and default portions (at least paragraph [0204]: affiliate websites created using template to maintain look and feel, yet portions may be customized). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and system, as taught by Francis and Harmon, with the affiliate website creation, as taught by Hagen, since such a modification would have provided more convenience to administrators, advertisers, and end users by providing the ability to search for desired ads in a number of websites with conventional search tools (at least paragraph [0838] of Hagen).

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Regarding Claims 10, 12

Francis and Harmon disclose:

- multiple affiliate servers each associated with a respective affiliate computer; and each said affiliate computer being connected to a respective affiliate server; and each said affiliate server being connected to said exchange server via an affiliate application (at least paragraph [0014] of Francis: box office computers connected to central processor)
- a rules set maintained by said central exchange and adapted for control by said affiliates whereby said affiliates can individually identify goods and/or services to be shown on their respective websites and the websites of other affiliates and said affiliates can specify conditions for selling such goods and/or services (at least paragraph figure 6-7 of Harmon: central exchange determines display of ticket offers)

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3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Francis in view of Harmon and Hagen as applied to claim 9 above, and further in view of Satchell et al. (US 20050246245 A1, hereinafter Satchell).

Francis, Harmon, and Hagen disclose the claimed invention except for:

- a shipping manager feature adapted for providing transaction data to a carrier for shipping goods to customers.

Satchell teaches it is known to forward shipping information to a carrier to ship goods to customers (at least paragraph [0052]: out-of-stock product ordered and shipped to customer) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and system, as taught by Francis, Harmon, and Hagen, with the product shipping, as taught by Satchell, since such a modification would have provided a more efficient commerce system through immediate shipping (at least paragraph [0052] of Satchell).

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4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Francis in view of Harmon as applied to claim 14 above, and further in view of Satchell.

Francis and Harmon disclose the claimed invention except for:

- providing a special order system enabling affiliates to sell non-inventory goods and/or services not in their possession
- distributing via the distributed network purchase requests for said non-inventory goods and/or services.

Satchell teaches that it is known to include providing for ordering of non-inventory goods and distributing purchase orders for these goods (at least paragraph [0052]: out-of-stock products ordered and shipped) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and system, as taught by Francis and Harmon, with the non-inventory goods ordering, as taught by Satchell, since such a modification would have provided a more efficient commerce system through immediate shipping (at least paragraph [0052] of Satchell).

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5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Francis in view of Harmon as applied to claim 14 above, and further in view of Anderson et al. (US 20020174028 A1, hereinafter Anderson).

Francis and Harmon disclose the claimed invention except for:

- enabling affiliate control of splitting of grouped goods and/or services according to predetermined procedures;
- offering such grouped goods and/or services according to such predetermined procedures.

Anderson teaches that it is known to include procedures for splitting grouped products and offering the products (at least abstract: unbundling of products) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method, as taught by Francis and Harmon, with the splitting of grouped products, as taught by Anderson, since such a modification would have provided additional versatility in the ordering process by offering products in a different format than originally presented (at least paragraph [0009] of Anderson).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571) 272-6961. The examiner can normally be reached on 8:00 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael A. Misiaszek
Patent Examiner
3/19/2007


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